

INDONESIA: November 1970

In October Sean MacBride visited Djakarta; the mission was made on behalf of both the International Commission of Jurists and Amnesty. He had formal meetings with the Minister for Foreign Affairs, the Minister of Justice, the Attorney-General, the President's Adviser on Security and Law, and the Secretary of the Cabinet; he also saw the Judges of the Supreme Court, the Parliamentary Commission on Justice and the several lawyers' associations. The combination of ICJ and Amnesty interest gave this a much broader base than previous missions, and it was a distinct advantage that the question of political detention could be discussed in the larger context of the rule of law and the national development of human rights.

The Government's attitude was on the whole friendly and Sean MacBride was asked to send a memorandum outlining Amnesty's specific proposals on the release of prisoners and the improvement of detention conditions until this takes place. In the last year, the Government has announced its intention of releasing all detainees in Category 'C', and since October 1969 some thousands have been freed from detention, while residence and reporting restrictions have been lifted on many others, particularly outside Java. The Government has also taken a public stand against any social discrimination towards released prisoners; this has facilitated the work of relief agencies.

The political scene is currently dominated by the general elections which will take place in July 1971. These are the first since 1955 and only the second since Independence. Although the formal campaign opens only in May, and although restrictions on parties and voters make any real political change impossible, official pressures are already being felt by the political parties and by the "functional" groups, including the journalists and the lawyers associations. The release of political detainees is not a popular issue and it is unlikely that any revision of current policy will be made before July. In particular, the Government is anxious not to alienate the Islamic groups which in any case feel themselves inadequately represented in a secular and predominantly military political establishment: they would certainly oppose any "softening" on policy towards the political detainees.

From the economic point of view, the detainees cost 650,000,000 rupiahs (about £700,000) annually, which at the present time the Government can ill afford; this is to many people the strongest argument in favour of reducing their numbers.

Indonesia is a large and complex country, in a state of extreme economic under-development; one feature of this is an almost total absence of basic social and legal rights for the population as a whole. The progress mentioned in this note is such only when seen in this context and set against the civil disturbance and administrative brutality of the immediate past.

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Numbers, Releases and Future Policy

Although the Government showed the utmost reluctance to provide factual information about numbers of prisoners or the details of future policy, it seems that their long term policy remains the release of Category 'C', the indefinite detention and resettlement of Category 'B', and the eventual trial of Category 'A'. The total figure is probably in the region of 50,000 untried prisoners in the 3 Categories, ('A': 5,000; 'B': 15,000; 'C': 30,000) and perhaps another 30,000 still to be classified. It is admitted that the programme put forward a year ago whereby all Category 'C' would be freed by the beginning of 1970 has failed; in theory releases continue, but in practice it seems that the impetus which was

built up in the first months of 1970 has now slackened, and the prospects for continued releases before July 1971, when the general election will take place, are slight; it is even suggested by some that since June the military screening teams have had to turn their attention from detainees to checking on the credentials of election candidates. It was impossible to determine a precise figure for those releases which have already taken place, and unofficial estimates vary between 5,000 and 20,000. In the outer islands, official statistics run as high as 20,000, but these probably refer more to the lifting of reporting and residence restrictions on men who may never have been in jail, rather than to actual liberation of detainees from camps. But there is no doubt that even in some regions of Java - notably Central Java - they were substantial and the experience of one camp in Semarang where 800 out of 900 detainees were freed in late January is not unique. However, the fact remains that about 30,000 'C' Category detainees remain in detention. It is difficult to be sure how far this comparative failure of the official release policy should be laid at the door of the central Government, and how far local regional and district commanders have refused the responsibility of implementing releases which had been agreed at a higher level. A detainee is cleared for release by the military KOPKAMTIB; the precise time of his release is then in the hands of his camp commandant who must hand him over to the local commander of the town or district in which he lived before his arrest. If the commander is reluctant to accept released detainees, for reasons of security, professional ambition or fear of arousing local Muslim antagonism, they remain in the camp or prison. All released prisoners are compelled to remain at one address and report regularly to the police for the first six months; their freedom is in any case conditional.

The 'resettlement' of Category 'B' prisoners on the island of Buru is now well under way; 7,500 have been moved, and by January 1971 the full 10,000 will have been reached. It is rumoured that two further 'resettlement areas' will follow, one for Sumatran prisoners on the island of Siberut, and one for military detainees at Balankarana in Kalimantan. Families will probably be offered transport to Buru in a year's time, making a final community of something under 50,000; but officials admit that many wives do not want to go, quoting divorce figures to prove the point.

Although some trials have taken place involving about 250 detainees from Category 'A', the Government says that the existing judiciary has not the staff to prepare the cases and 500 judges must be recruited for the task; this will have been done by 1974, and trials are to begin in earnest in 1975, just ten years after the coup attempt. In practice, legal access is not permitted.

Legal Basis of Detention

Ministers disagreed about the legal provisions allowing and controlling political detention. It seems that new legislation to replace the Sukarno decrees of 1962 is under discussion. At the moment the Attorney General (a Brigadier-General who is not a lawyer) is able to detain in terms of a 1969 emergency order made by KOPKAMTIB (the army Command for the Restoration of Order and Security). This means that detention is wholly in the hands of the army and that the civilian legal organs, the Ministry of Justice for example, have no part to play. To our knowledge, no detainee has been allowed to see his lawyer. In the Category 'A' trials, civilian or military defence counsel are chosen by the Bar Association.

Detention Conditions

In general terms, conditions within the prisons and camps, although still far from satisfactory, have improved slightly since the end of 1968 when the classification process was largely completed. Food is still inadequate but at the level of malnutrition rather than starvation. In rural areas, where families

are unable or unwilling to send weekly rations, the situation is worse than in cities where detainees can depend on the food from outside; malnutrition is still particularly acute in Central Java, where distance and bureaucracy make family visits almost impossible. Another side to this particular picture is that the military Commandant for Central Java has had to deduct 1% from his soldiers' pay to provide food for the detainees in his command, in the absence of central funds.

Brutality within the detention camps has diminished considerably in the last two years but it was not possible to establish whether interrogation by torture for those newly arrested has also ended.

Medical treatment and provision of medicines remains almost exclusively in the hands of the religious groups; where there are doctors among the detainees they are used professionally, though sometimes without equipment or drugs. Literature, other than religious works, remains proscribed, as are writing materials. In some areas, notably Bandung, family visits are allowed, but it seems more common for contact to be limited to one annual visit on the major Christian or Moslem religious festival; although official policy on letters varies with the official speaking, in practice none seem to be successfully sent through the 'proper' channels, whether to Buru or to the local camps and prisons on Java.

Many 'C' prisoners are now able to work which results in better health and diet, but opinions differ as to how far some of the public works enterprises - road building or plantation work - extend even after nominal release, particularly in Sumatra, and can become a form of compulsory and unpaid - i.e. forced - labour. On Buru, the detainees depend on the food they can grow, and it is possible that choice of 'B' Category detainees for the island is influenced as much by physical health as by political beliefs.

Released Prisoners

A year ago, two major arguments were advanced against mass releases: the security risk of freeing "thousands of communists", and the physical danger to the individual detainee of return to a prejudiced and hostile local community. One effect of this year's releases seems to be that both these arguments have lost force. Some instances are mentioned whereby former prisoners have been re-arrested, but these are few and in any case it is hard to tell when criminal activities were involved whether these were occasioned by politics or simply by poverty, hunger and unemployment. I heard two reports where released prisoners were believed killed, and others where they had been refused lodging in their home villages or (the Attorney General's much repeated example) returned to the detention camp unable to face the prejudice. It was impossible to check on these; they are probably true, but on the other hand released prisoners have stressed that prejudice was shown by only a minority except in the employment field. What is certain is that no former prisoner can expect to find a job, and that those who succeed are the exception rather than the rule. Official policy, set out in September 1969 in an Order from the three Ministries, has clearly stated that there should be no discrimination against released prisoners; and this is born out in two instances - in different regions - where I heard of former detainees being allowed to return to their former jobs with government offices. But in general, two factors work against the released prisoner: the national unemployment rate is high - in Central Java it rose by 50% in 1968/9, with an official figure of 25% under-employment for the population as a whole; most official transactions, whether employment, moving house, enrolling in university, etc., demand a 'certificate of non involvement' (in the September 1965 communist coup attempt) for anyone (national or foreigner) over 15 years old, testifying that the individual has had no connection with the political left: no former detainee or detainee's family can possess this. An employer

who takes a man on without such a certificate fears that he may later be held guilty of 'harbouring a communist'; the effect of this on the employment of released prisoners is all too obvious.

The Red Cross

In Holland in September, President Suharto said his Government was willing to allow visits to prisons and detention areas by the International Committee of the Red Cross. In June 1970, two visits were made to prisons in Djakarta. More are planned for 1971.

General Comment

Despite the fact that very large numbers remain in detention, some progress has undoubtedly been made by the Government; its most important feature is the decision (perhaps more accurately described as a declaration of intent) to cut the numbers to a maximum of 20,000. The recent releases have led to a slight reduction in the level of active prejudice against the prisoner population; humanitarian concern is no longer automatically seen as political sympathy.

Outside pressure, particularly from the major aid-giving nations, has clearly had an effect, both by strengthening the hand of the more liberal members of the administration, and in providing moral support to those Indonesians willing to raise the detention issue within the country.

In the Indonesian political context, low key pressure is likely to remain more effective than an international pressure campaign on, say, Greek lines. Adoption and directed lobbying by national sections will probably be the most useful form of public action by Amnesty. Hand in hand should go financial support and encouragement for relief and rehabilitation work.

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